

DISTRICT	OFF.	DOCKET NO. YR. NUMBER	OR	FILING DATE MO. DAY YR.	FILED	DATE PT. DEF.	NO. 23	\$ DEMAND THOUSANDS	JUDGE	MAG.	COUNT.	JURY DEM.	DOCKET YR. NUMBER
0425	3	89 0069	2	01 19 89	4	368	1 5	9,880	2509	25AB	54039	P	89 0069

## PLAINTIFFS

BRITTON, URAL; ENGLE, HAROLD, and ENGLE, MAXINE; RICHARDS, EMORY and RICHARDS, MARGARET; BOTKIN, EVERETT and BOTKIN, MIDA; ELKINS, CHRIS and ELKINS, LORETTA J.; MEADOWS, WILLIE K. and MEADOWS, FAYE; WESTBROOK, HOWARD and WESTBROOK, PAULINE B.; WEESE, HARRY and WEESE, AUDREY; MILLER, DONALD and MILLER, CORALIE; WHITTINGTON, JAMES and WHITTINGTON, HELENE; MARKHAM, ROBERT and MARKHAM, PAULINE; HALL, GEORGE and HALL, REBA R.; CANTERBURY, HOMER and CANTERBURY, MURIEL; MARTIN, HARLAN and MARTIN, CHARLOTTE.

## DEFENDANTS

AC & S CORPORATION, a foreign corporation; ARMSTRONG CORK COMPANY, formerly Armstrong World Industries, Inc., a Pennsylvania corporation; CAREY CANADA, INC., a Canadian corporation; THE CELOTEX CORPORATION, a Delaware corporation; EAGLE-PICHER INDUSTRIES, INC., an Ohio corporation; FIBREBOARD CORPORATION, a Delaware corporation; THE FLINTKOTE COMPANY, a foreign corporation; GAF CORPORATION, a Delaware corporation; GARLOCK, INC., a New York corporation; H.K PORTER COMPANY, INC., as successor to Southern Textile Asbestos Company, a Delaware corporation; KEENE CORPORATION, a Delaware corporation; NATIONAL GYPSUM COMPANY, a Delaware corporation; OWENS-CORNING FIBERGLAS CORPORATION, a Delaware corporation;

GAN CAUSE

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(CITE THE U.S. CIVIL STATUTE UNDER WHICH THE CASE IS FILED AND WRITE A BRIEF STATEMENT OF CAUSE)

28 USC 1332 & 28 USC 1441(b) Diversity Removal  
ASBESTOS

## ATTORNEYS

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343-7561

**ROCK WOOL MANUFACTURING CO.**  
**OWENS-CORNING FIBERGLAS CORP.**

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**EAGLE-PICHER INDUSTRIES, INC.**

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529-2391

**GARLOCK, INC.**

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**AC&S, INC., ARMSTRONG WORLD INDUSTRIES, INC., FIBREBOARD CORP., GAF CORP., KEENE CORP., NATIONAL GYPSUM CO., OWENS-ILLINOIS, INC., PITTSBURGH CORNING CORP., TURNER ASBESTOS FIBERS, LTD., TURNER & NEWELL, PLC, UNITED STATES GYPSUM CO.**

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345-1400

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<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
	01-19-89	\$120.00 Fees pd. in Chas.		JS-5	01-31-89
				JS-6	

DATE	NR.	PROCEEDINGS
		<p style="text-align: center;"><b><u>DEFENDANTS CONTINUED</u></b></p> <p>OWENS ILLINOIS, INC., an Ohio corporation; PITTSBURGH CORNING CORPORATION, a Pennsylvania corporation; RAYMARK INDUSTRIES, INC., formerly Raybestos Manhattan, a Connecticut corporation; ROCK WOOL MANUFACTURING CO., INC., an Alabama corporation; TURNER ASBESTOS FIBERS, LTD., a foreign corporation; TURNER &amp; NEWELL, LTD., a foreign corporation; UNITED STATES GYPSUM COMPANY, a Delaware corporation.</p> <p style="text-align: center;"><b><u>DEFENDANTS' COUNSEL CONTINUED</u></b></p> <p><b><u>THE FLINTKOTE COMPANY</u></b> Fred L. Davis, Jr. Steven R. Hardman P. O. Box 48 Parkersburg, WV 26102-0048 485-8500</p> <p><u>RAYMARK INDUSTRIES, INC., THE CELOTEX CORP.,</u> Brickford Y. Brown <u>CAREY CANADA, INC.</u> Michael J. Del Giudice Lewis, Ciccarello &amp; Friedberg P. O. Box 1746 Charleston, WV 25326 Tel: 345-2000 <u>H.K. PORTER CO., INC.</u> Mark W. Browning Edgar A. Poe, Jr. Shuman, Annand &amp; Poe Suite 1007, 405 Capitol St. P. O. Box 3953 Charleston, WV 25339</p> <p>Steven F. Wright Lee H. Bals Skelton, Taintor &amp; Abbott 95 Main St. Box 3200 Auburn, ME 04210</p>

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## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 3:89-0069
URAL BRITTON, ET AL		AC & S CORP., ET AL	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
01-19-89	1	PETITION of Defts. for Removal from the Circuit Court of Kanawha County, WV, to the USDC for the SDWV at Huntington, with copies of Summons, Complaint, Interrogatories of Pltfs. to all Defts., Pltfs'. Request to Produce & Inspect Documents to all Defts., Answer of Garlock, Inc., Garlock's First Set of Interrogatories, Motion of Garlock to Dismiss or in the Alternative for a More Particular Statement, Memorandum of Garlock in Support of Motion to Dismiss and Consents of Defts. of Removal attached, filed. GAN	
01-19-89	2	NOTICE of Defts. of Filing of Petition. GAN	
01-19-89	3	ANSWER of Defts. AC & S, Inc., Armstrong World Industries, Inc., Fibreboard Corp., GAF Corp., Keene Corp., National Gypsum Co., Owens-Illinois, Inc., Pittsburgh Corning Corp., Turner Asbestos Fibers, Ltd., Turner & Newell PLC, United States Gypsum Co., to Pltfs'. Complaint. GAN	
01-20-89	4	ANSWER of Deft. Rock Wool Manufacturing Co. to Pltfs'. Complaint. GAN	
01-20-89	5	ANSWER of Deft. Owens-Corning Fiberglas Corp. to Pltfs'. Complaint. GAN	
01-23-89	6	ANSWER of Deft. Eagle-Picher industries, Inc. to Pltfs'. Complaint. GAN	
01-23-89	7	ANSWER of Deft. The Flintkote Co. to Pltfs'. Complaint. GAN	
01-24-89	8	ANSWER of Deft., Raymark Industries, Inc., The Celotex Corp. & Carey Canada, Inc. TRJ	
02-01-89	9	STIPULATION: It is Stipulated between Pltfs. & The Flintkote Co., that the time for The Flintkote Co. to answer the interrogatories filed herein be extended to and including the 30th day of April, 1989. GAN	
02-01-89	10	ORDER (2509): The time for The Flintkote Co. to answer the interterrogatories of Pltfs. is extended to 04-30-89. (cc: counsel) GAN	
02-02-89	11	CERTIFICATE OF SERVICE of Deft., Fibreboard Corp.'s Responses to Pltf.'s Request to Produce & Inspect Documents. TRJ	
02-07-89	12	STIPULATION of the Pltf. & Deft., Garlock, Inc. that Pltfs. will not proceed on Counts 5 & 6 of the complaint against the Deft., Garlock, Inc. & that Pltfs. do not contest Deft., Garlock, Inc.'s Motion to Dismiss or in the Alternative for a More particular Statement & request that the Court enter an Order dismissing Counts 5 & 6 of their complaint against Deft., Garlock Inc., only. TRJ	
02-15-89	13	ORDER (2509): Counts 5 & 6 of Pltfs'. Complaint against Garlock, Inc. is dismissed with prejudice. (cc: counsel) GAN	
02-15-89	14	CERTIFICATE OF SERVICE on Defts'. Interrogatories First Set, to Pltfs. Weese. GAN	
02-15-89	15	CERTIFICATE OF SERVICE on Defts'. Request for Production to Pltfs. Weese. GAN	
02-15-89	16	CERTIFICATE OF SERVICE on Defts'. Request for Admissions to Pltfs. Weese. GAN	
02-15-89	17	CERTIFICATE OF SERVICE on Defts'. Interrogatories First Set, to Pltfs. Engle. GAN	

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PLAINTIFF		DEFENDANT	DOCKET NO. <u>3:89-0069</u>
Ural Britton, et al		AC&S Corp., et al	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
02-15-89	18	CERTIFICATE OF SERVICE on Defts'. Request for Production to Pltfs. Engle.	GAN
02-15-89	19	CERTIFICATE OF SERVICE on Defts'. Request for Admissions to Pltfs. Engle.	GAN
02-15-89	20	CERTIFICATE OF SERVICE on Defts'. Interrogatories First Set, to Pltfs. Markham.	GAN
02-15-89	21	CERTIFICATE OF SERVICE on Defts'. Request for Production to Pltfs. Markham.	GAN
02-15-89	22	CERTIFICATE OF SERVICE on Defts'. Request for Admissions to Pltfs. Markham.	GAN
02-15-89	23	CERTIFICATE OF SERVICE on Defts'. Interrogatories First Set, to Pltfs. Britton.	GAN
02-15-89	24	CERTIFICATE OF SERVICE on Defts'. Request for Production to Pltfs. Britton.	GAN
02-15-89	25	CERTIFICATE OF SERVICE on Defts'. Request for Admissions to Pltfs. Britton.	GAN
02-15-89	26	CERTIFICATE OF SERVICE on Defts'. Interrogatories First Set, to Pltfs. Elkins.	GAN
02-15-89	27	CERTIFICATE OF SERVICE on Defts'. Request for Production to Pltfs. Elkins.	GAN
02-15-89	28	CERTIFICATE OF SERVICE on Defts'. Request for Admissions to Pltfs. Elkins.	GAN
02-15-89	29	CERTIFICATE OF SERVICE on Defts'. Interrogatories First Set, to Pltfs. Richards.	GAN
02-15-89	30	CERTIFICATE OF SERVICE on Defts'. Request for Production to Pltfs. Richards.	GAN
02-15-89	31	CERTIFICATE OF SERVICE on Defts'. Request for Admissions to Pltfs. Richards.	GAN
02-15-89	32	CERTIFICATE OF SERVICE on Defts'. Interrogatories First Set, to Pltfs. Meadows.	GAN
02-15-89	33	CERTIFICATE OF SERVICE on Defts'. Request for Production to Pltfs. Meadows.	GAN
02-15-89	34	CERTIFICATE OF SERVICE on Defts'. Request for Admissions to Pltfs. Meadows.	GAN
02-15-89	35	CERTIFICATE OF SERVICE on Defts'. Interrogatories First Set, to Pltfs. Botkin.	GAN
02-15-89	36	CERTIFICATE OF SERVICE on Defts'. Request for Production to Pltfs. Botkin.	GAN
02-15-89	37	CERTIFICATE OF SERVICE on Defts'. Request for Admissions to Pltfs. Botkin.	GAN
02-15-89	38	CERTIFICATE OF SERVICE on Defts'. Interrogatories First Set, to Pltfs. Hall.	GAN
02-15-89	39	CERTIFICATE OF SERVICE on Defts'. Request for Production to Pltfs. Hall.	GAN
02-15-89	40	CERTIFICATE OF SERVICE on Defts'. Request for Admissions to Pltfs. Hall.	GAN
02-15-89	41	CERTIFICATE OF SERVICE on Defts'. Interrogatories First Set, to Pltfs. Canterbury.	GAN
02-15-89	42	CERTIFICATE OF SERVICE on Defts'. Request for Production to Pltfs. Canterbury.	GAN
02-15-89	43	CERTIFICATE OF SERVICE on Defts'. Request for Admissions to Pltfs. Canterbury.	GAN

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PLAINTIFF		DEFENDANT	DOCKET NO. 3:89-0069
Ural Britton, et al		AC&S Corp., et al	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
02-15-89	44	CERTIFICATE OF SERVICE on Defts'. Interrogatories First Set, to Pltfs. Westbrook. GAN	
02-15-89	45	CERTIFICATE OF SERVICE on Defts'. Request for Production to Pltfs. Westbrook. GAN	
02-15-89	46	CERTIFICATE OF SERVICE on Defts'. Request for Admissions to Pltfs. Westbrook. GAN	
02-15-89	47	CERTIFICATE OF SERVICE on Defts'. Interrogatories First Set, to Pltfs. Martin. GAN	
02-15-89	48	CERTIFICATE OF SERVICE on Defts'. Request for Production to Pltfs. Martin. GAN	
02-15-89	49	CERTIFICATE OF SERVICE on Defts'. Request for Admissions to Pltfs. Martin. GAN	
02-15-89	50	CERTIFICATE OF SERVICE on Defts'. Interrogatories First Set, to Pltfs. Whittington. GAN	
02-15-89	51	CERTIFICATE OF SERVICE on Defts'. Request for Production to Pltfs. Whittington. GAN	
02-15-89	52	CERTIFICATE OF SERVICE on Defts'. Request for Admissions to Pltfs. Whittington. GAN	
02-15-89	53	CERTIFICATE OF SERVICE on Defts'. Interrogatories First Set, to Pltfs. Miller. GAN	
02-15-89	54	CERTIFICATE OF SERVICE on Defts'. Request for Production to Pltfs. Miller. GAN	
02-15-89	55	CERTIFICATE OF SERVICE on Defts'. Request for Admissions to Pltfs. Miller. GAN	
02-28-89	56	NOTICE & MOTION of Deft., Carey Canada, Inc. & The Celotex Corp. Objection to Pltfs.' Interrogatories to all Defts. TRJ	
02-28-89	*	MEMORANDUM of Defts., Carey Canada, Inc. & The Celotex Corp. in Support of Objection to Pltfs.' Interrogatories to all Defts. TRJ	
03-01-89	57	ORDER (25AB): Pltfs shall have an additional 60 days to respond to Garlock's Interrogatories. (cc: counsel) DCM	
03-10-89	58	ORDER (25AB): To the extent that defts, Carey Canada and Celotex have "moved" the Court to resolve the validity of their objections to interrogatories, the motion denied. (cc: counsel) DCM	
03-13-89	59	CERTIFICATE OF SERVICE of Pltf.'s Response to the Wellington Defts. Request for Admissions. TRJ	
03-15-89	60	ANSWER of Deft., H.K. Porter Co., Inc. TRJ	
04-03-89	61	CERTIFICATE OF SERVICE of Deft., H.K. Porter's Answers to Pltfs.' Interrogatories to all Defts. TRJ	
04-03-89	62	CERTIFICATE OF SERVICE of Deft., H.K. Porter's Responses to Pltfs.' Request to Produce & Inspect of Documents to all Defts. TRJ	
04-26-89	63	CERTIFICATE OF SERVICE of deft., The Flintkote Company's Responses to Pltfs' Request to Produce and Inspect Documents to all Defts. LLC	
04-26-89	64	OBJECTIONS of Flintkote Company to Pltfs' Interrogatories. LLC	

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PLAINTIFF		DEFENDANT	DOCKET NO. 3:89-0069
URAL BRITTON, et al		AC&S CORP., et al	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
05-22-89	65	MOTION of Deft., Garlock Inc., to Compel Answers to Interrogatories. SLP	
07-05-89	66	TIME-FRAME ORDER (2509): Joinder/amendments effected by 10-02-89; Rule 12(b) Motions filed by 10-02-89; extrajudicial procedures filed by 10-02-89; discovery completed by 05-16-90; s/j and other dispositive motions filed by 06-05-90, response due 06-19-90 and reply 06-26-90; p/t order integrated and entered 06-26-90; proposed charges to jury by 08-10-90; p/t conf. 08-03-90, 9:30 A.M.; final settlement conf. 08-13-90, 9:30 A.M.; trial 08-14-90. (cc: counsel) LLC	
07-07-89	67	NOTICE of Deft. The Celotex Corp. to take the Deposition of W. Clark Cooper, M.D. on 07-25-89. GAN	
07-19-89	68	AMENDED NOTICE of Deft., The Celotex Corporation, TO TAKE DEPOSITION of W. Clark Cooper, M.D., on 07-30-89 and 07-31-89; evidentiary deposition on 08-01-89. SKM	
07-27-89	69	CERTIFICATE OF SERVICE of Deft., Rock Wool Manufacturing Co's Answers to Interrogatories. SLP	
07-27-89	70	CERTIFICATE OF SERVICE of Deft., Rock Wool Manufacturing Co's Responses to request for production of documents. SLP	
07-31-89	71	MOTION of Deft., ACandS to Withdraw as Counsel. SLP	
08-07-89	72	ORDER (2509): Having considered counsel's motion for substitution, it is hereby ordered that the appearance of Albert H. Parnell, Esq., and Freeman & Hawkins is withdrawn as counsel for ACandS, Inc., and that James J. MacCallum and Schaffer & Schaffer be substituted or remain as counsel for ACandS, Inc. (cc: Counsel) SKM	
08-14-89	*	MEMORANDUM of Pltfs. in Opposition to the Motion of Walter Industries, Inc. to Dismiss for Lack of Personal Jurisdiction. TRJ	
10-18-89	73	REQUEST OF Deft Garlock for Suspension of Discovery & RESPONSE to Pltf's Motion for Sanctions. TIH	
11-03-89	74	ORDER (2509): In the interest of judicial administration & efficiency, the misjoined respective Pltfs. & the respective Pltf. spouses are removed as Pltfs. in this action & named as such in separate civil actions; Ural Britton 3:89-0069; Harold Engle & Maxine Engle 3:89-1342TSC; Emory Richards & Margaret Richards 3:89-1343TSC; Everett Botkin & Mida Botkin 3:89-1344TSC; Chris Elkins & Loretta J. Elkins 3:89-1345TSC; Willie K. Meadows & Faye Meadows 3:89-1346TSC; Howard Westbrook & Pauline B. Westbrook 3:89-1347TSC; Harry Weese & Audrey Weese 3:89-1348TSC; Donald Miller & Coralie Miller 3:89-1349TSC; James Whittington & Helen Whittington 3:89-1350TSC; Robert Markham & Pauline Markham 3:89-1351TSC; Geroge Hall & Reba R. Hall 3:89-1352TSC; Homer Canterbury & Muriel Canterbury 3:89-1353TSC; Harlan Martin & Charlotte Martin 3:89-1354TSC. (cc: counsel) EOD 11-08-89 TRJ	



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DATE	NR.	PROCEEDINGS	
03-26-90	75	<b>ORDER OF DISMISSAL (2509):</b> H.K. Porter Company, Inc. & Southern Textile Corp., are hereby dismissed from this action with prejudice and without costs. (cc: counsel) EOD 03-27-90	TIH
03-29-90	76	<b>ORDER OF DISMISSAL (2509):</b> The Pltfs.' complaint & their causes of action against the Defts., Armstrong World Industries, Inc., GAF Corp., Keene Corp., National Gypsum Co., Turner Asbestos Fibers, Ltd., Turner & Newall, PLC & U.S. Gypsum Co. are dismissed, without prejudice to the Pltfs. & without costs being assigned to any party; this dismissal without prejudice will become with prejudice upon payment of the settlement funds. (cc: counsel) EOD 04-02-90 TRJ	
04-04-90	77	<b>ORDER OF DISMISSAL (2509):</b> Upon motion of the parties, this action is dismissed with prejudice as between Pltfs. & Defts. Eagle-Picher & Owens-Corning Fiberglass. (cc: counsel) EOD 04-04-90	TIH
05-17-90	78	<b>NOTICE</b> of Defts., Owens-Illinois, Inc., Fibreboard Corp., & Pittsburgh Corning Corp., <b>TO TAKE DEPOSITION</b> of John Keeney 06-11-90; Allen Keyser 06-12-90; Arthur Skiles 06-13-90; Freddie Sprouse 06-14-90; Harold Meeks 06-15-90; Ural Britton 06-18-90; Harold Engle 06-19-90; Emory Richards 06-20-90; Everett Botkin 06-21-90; Chris Elkins 06-22-90; Willie Meadows 06-25-90; Howard Westbrook 06-26-90; Harry Weese 06-27-90; Donald Miller 06-28-90; James Whittington 06-29-90; Robert Markham 07-02-90; George Hall 07-03-90; Homer Canterbury 07-05-90; Harlan Martin 07-06-90.	TIH
06-06-90	79	<b>AMENDED NOTICE</b> of Defts., Owens-Illinois, Inc., Fibreboard Corp., & Pittsburgh Corning Corp., <b>TO TAKE DEPOSITION</b> of Harold Engle 06-18-90 & Ural Britton 06-19-90	TIH
06-06-90	80	<b>MOTION</b> of Defts., Pittsburgh Corning Corp., & Fibreboard Corp., for Summary Judgment.	TIH
06-06-90	*	<b>MEMORANDUM</b> of Defts., Pittsburgh Corning Corp., & Fibreboard Corp., in Support of Motion for Summary Judgment.	TIH
06-18-90	81	<b>RESPONSE</b> of Pltf. to Motion for Summary Judgment by Defts., Fibreboard Corp. & Pittsburgh Corning Corp.	TIH
07-17-90	82	<b>ORDER OF DISMISSAL (2509):</b> Upon motion of the Pltfs. & Deft., Rock Wool Mfg., Co., the Pltfs.' claims against Rock Wool Mfg., Co. are dismissed with prejudice, each party to bear their or its own costs of action. (cc: counsel) EOD 07-17-90	TRJ
09-10-90	83	<b>ORDER (2509):</b> Pltfs actions against Raymark, which remains undismissed as a debt, placed on inactive docket for reason of filing Bankruptcy by debt; all matters in controversy between pltfs and all other defts remaining have been amicably dismissed without prejudice. (cc; counsel) EOD 09-10-90.	DCM
09-10-90	*	<b>JS 6. CASE CLOSED.</b>	DCM
09-27-90	84	<b>DISMISSAL ORDER (2509):</b> action dismissed with prejudice as to pltfs. as fully compromised, agreed and settled; Clerk shall remove this cause of action from docket as to Garlock, Inc. (cc: counsel)	LLC

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DATE	NR.	PROCEEDINGS
12-05-90	85	<b>ORDER OF DISMISSAL (2509):</b> deft., ACandS shall be and is hereby dismissed as deft. to this civil action, with prejudice. (cc: counsel) LLC